

Prineville District

Finding of No Significant Impact Determination

Introduction:

The Bureau of Land Management (BLM) has conducted an environmental assessment (Environmental Assessment (EA) No. OR-056-0074) addressing a small test burning study in the Bend-Sisters area in Deschutes County. The primary purpose and need of this project is to determine the effects of fire on Peck's milkvetch (*Astragalus peckii*), a species listed as "Threatened" by the State of Oregon.

The project area consists of three study sites, located near Brandywine Drive, Innes Market Road and Sisemore Road. The Brandywine and Innes Mkt. sites consist of mature western juniper and shrubs on pumice soils typical of the area. The Sisemore Road (Driveway) site is dominated by shrubs. The Brandywine and Driveway sites are within the Peck's Milkvetch Area of Critical Environmental Concern (ACEC).

The EA is attached to and incorporated by reference in this Finding of No Significant Impact (FONSI) determination. A no action alternative and two action alternatives were analyzed in the EA.

The project would involve burning of three study areas to test the response of Peck's milkvetch (*Astragalus peckii*) to fire. For the Brandywine and Innes Mtk. Sites, only 10 meter-square quadrats would be burned at each. For the Driveway site, less than one acre of vegetation would be burned. Burning would occur under the supervision and execution of trained fuels treatment crews and would be conducted in late August or September, depending on burning conditions and strength-of-force. Fire control would be accomplished through the use of existing roads, natural breaks in vegetation, water line and hand line. Associated unburned sites would be used as a statistical control. Analysis conducted in subsequent years will help to answer the question: "What, if any, effect does fire have on the survival, vigor and reproduction of Peck's milkvetch?" This proposal is needed to answer the above question associated with a challenge cost share project with the US Forest Service and Oregon Department of Agriculture. Adjacent residents would be notified of this project prior to implementation, and would have opportunity to comment on this EA.

Chapter 2 of the EA fully describes the alternatives considered, elaborates on issues and identifies potential impacts related to the different alternatives.

Plan Conformance:

The proposed project has been reviewed and found to be in conformance with one or more of the following BLM plans and associated Record of Decision(s):

Brothers/LaPine Resource Management Plan and Record of Decision, July 8, 1989. Table 11, on page 58, specifies that prescribed fire would be allowed in the Peck's Milkvetch ACEC provided it is designed to maintain or enhance the special values for which the area was designated. On page 121, the plan states: "Management activities in the habitat of listed or candidate threatened or endangered and sensitive species will be designed specifically to benefit those species through habitat improvement."

Completion of this project would provide land managers with additional information that would help them manage Peck's milkvetch, and its habitat, in a manner that would help to keep it from being listed as Endangered or Threatened.

Finding of No Significant Impact Determination:

Based upon a review of the EA and the supporting documents, I have determined that the project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in the Brothers/LaPine RMP/FEIS. Therefore, an environmental impact statement is not needed. This finding is based on the context and intensity of the project as described:

Context: The project is a site-specific action directly involving approximately one acre of BLM administered land and by itself does not have international, national, regional, or state-wide importance.

Intensity: The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and the additional criteria as required by the following Instruction Memorandum, Acts and Executive Orders: Instruction Memorandum No. 99-178, the Lacey Act, as amended; the Federal Noxious Weed Act of 1974; the Endangered Species Act of 1973, as amended; Executive Order 13112 on Invasive Species; Executive Order 12898 on Environmental Justice; Clean Water Act of 1987; Safe Drinking Water Act Amendments to the Clean Water Act of 1996; Executive Order 12088 on federal compliance with pollution control standards, as amended; Executive Order 12589 on Superfund compliance; and Executive Order dated July 14, 1982 on intergovernmental review of federal programs.

1. **Impacts may be both beneficial and adverse.** The proposed action would impact resources as described in Chapter 2 and 4 of the EA. None of the environmental effects discussed in detail in the EA and associated appendices are considered significant, nor do the effects exceed those described in the Brothers/LaPine RMP/FEIS. Potential beneficial impacts include an increase in knowledge about Peck's milkvetch's response to fire. Potential adverse impacts include localized short-term air quality issues (smoke) and short-term loss of native vegetation.
2. **The degree to which the selected alternative will affect public health or safety.** No effects are anticipated.
3. **Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wild and scenic rivers, or ecologically critical areas.** The historic and cultural resources of the area have been inventoried. There will be no effects on cultural resources, park lands, prime farm lands, wetlands, wild and scenic rivers, or ecologically critical areas.
4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** There is no controversy.
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The project is not unique or unusual. The BLM has experience implementing similar actions in similar areas. The environmental effects to the human environment are fully analyzed in the EA. There are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks.

6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** The actions considered in the preferred alternative were considered within the context of past, present, and reasonably foreseeable future actions. Significant cumulative effects are not predicted. A complete analysis of the effects of the preferred alternative and all other alternatives is described in Chapter 4 of the EA.
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The possible actions were evaluated in context of past, present and reasonably foreseeable actions. Significant cumulative effects are not predicted. A complete disclosure of the effects of the project is contained in Chapter 4 of the EA.
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The project will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources.
9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.** The action will not adversely affect an endangered or threatened species or its habitat.
10. **Whether the action threatens a violation of a Federal, State, Local, or Tribal law, regulation or policy imposed for the protection of the environment, where non-Federal requirements are consistent with Federal requirements.** The project does not violate any known Federal, State, Local or Tribal law or requirement imposed for the protection of the environment. The project is consistent with applicable land management plans, policies, and programs.
11. **Comply with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act (water resource development projects only).** There are no floodplains, wetlands or water resource projects involved in this project.
12. **Involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E)) not already decided in an approved land use plan.** There are no unresolved conflicts not already approved in land use plans.
13. **Have a disproportionate significant adverse impact on low income or minority populations; Executive Order 12898 (Environmental Justice).** This project does not have a disproportionate significant adverse impact on low income or minority populations.
14. **Restrict access to, and ceremonial use of, Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites; Executive Order 13007 (Indian Sacred Sites). Have significant adverse effect on Indian Trust Resources.** This project does not restrict access to, and ceremonial use of, Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites; Executive Order 13007 (Indian Sacred Sites). This project does not have significant adverse effects on Indian Trust Resources.
15. **Contribute to the introduction, existence, or spread of: Federally listed noxious weeds (Federal Noxious Weed Control Act); or invasive non-native species;**

Executive Order 13112 (Invasive Species). This project does not contribute to the introduction, existence, or spread of: Federally listed noxious weeds or invasive non-native species.

16. **Have a direct or indirect adverse impact on energy development, production, supply, and/or distribution; Executive Order 13212 (Actions to Expedite Energy-Related Projects).** This project does not have a direct or indirect adverse impact on energy development, production, supply, and/or distribution.

Approved By: _____
Deschutes Field Office Manager

Date